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April 6, 2005

VIA ECF FILING

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The Honorable Gregory M. Sleet
c/o Clerk of Court
United States District Court
844 North King Street
Wilmington, DE 19801

Re: *Marvel v. Prison Industries, C.A. No. 99-113-GMS*

Dear Judge Sleet:

I write in response and opposition to Defendants' letter of April 5, 2005 requesting a postponement of the April 12 status conference. Plaintiff does not believe that an appeal on the grounds of qualified immunity would be an appeal of a final order as required by 28 U.S.C. §1291. This is true given the fact that any disposition of the qualified immunity issue would not necessarily dispose of the state law cause of action. *See 10 Del. C. § 4001.*

Should Defendants seek review of Your Honor's decision on the qualified immunity issue as an interlocutory order deserving of appeal, Plaintiff would respectfully request the right to briefly discuss this issue before the matter is fully considered.

In either event, Plaintiff stands ready to participate in the status conference as presently scheduled or at any postponement thereof. As always, should Your Honor have any questions or concerns, counsel is available at Your Honor's convenience.

Respectfully,

A handwritten signature in dark ink, appearing to read "David A. Felice", is written over a horizontal line.

David A. Felice

DAF/sjr

cc: Richard W. Hubbard, Esq. (via ECF filing)
Edward C. Gill, Esq. (via first class mail)
Larry D. Marvel (via first class mail)